



## MICHIGAN CHAPTER

### MEMO

**To: House Agriculture Committee Members**  
**From: Gayle Miller, Legislative Director**  
**Re: Further comments on HB 5127-5128**  
**Date: July 29, 2009**

The Sierra Club appreciates the efforts that have gone into this package of bills, the intent of which is to ensure that food animals in Michigan are treated humanely. However, the bills fail to accomplish that objective for many reasons, but especially because of an ineffective and meaningless audit system:

- The farm hires its own auditor – so the auditor works for the farm, not the people of Michigan.
- It is extremely unlikely that an auditor would find his or her own employer guilty of a violation. To do so would clearly risk the auditor's contract.
- All information collected by the auditor is kept on the farm – inaccessible to the public.
- It appears that the only way even the Department can look at the audit information is to actually go to the farm to "inspect" the documents. Since the state has no funds for travel, it's unlikely this will ever occur.
- The only information that might be available to the public is in the highly unlikely event of an auditor finding his or her employer out of compliance. However, the bills state that information collected from an out-of-compliance farm is EXEMPT from FOIA – unless it is determined that the public interest in disclosure outweighs the public interest in nondisclosure. This appears to mean that a citizen would have to sue the Department to get a decision.
- In the unlikely event a farm is found to be in violation, there is no deadline for coming into compliance.
- There are no penalties for being in violation and no penalties for not coming into compliance.
- The bill states that even if a farm is in violation of the industry guidelines, they are NOT presumed to be in violation of the Michigan Penal Code as it refers to animal cruelty.
- There is no system in place, and no funds identified, to ensure that the auditors are doing an adequate job of auditing the farms they work for.
- There are no penalties (other than losing their certification) for an auditor found to be doing a bad job of auditing – which is unlikely since there is no oversight of the auditors.

This system effectively protects animal factories, known for extreme confinement systems, from any kind of serious accountability or public scrutiny. It also exposes non-industrial farms and hobby farmers to intrusive visits and an expensive and unnecessary regulatory process.

**The Sierra Club respectfully requests that you OPPOSE these bills.**